

**Exhibit “N”**

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415-865-3820

Summary: Amendments to festival code.

**BILL NO. 293  
ORDINANCE NO. 293**

AN ORDINANCE AMENDING CHAPTER 5.16.060, ENTITLED FESTIVAL ORDINANCE BY SETTING A FEE BASED UPON THE BUDGETARY PROJECTIONS OF AFFECTED COUNTY DEPARTMENTS; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Board adopts previously made findings in relation to the provisions of this ordinance;

WHEREAS, the Board, having experienced the licensure of a major Assembly in 2012, hereby desires to modify previous provisions in the ordinance to ensure that sufficient monies are collected to cover the additional costs incurred by the County as a result of an Outdoor Assembly of more than 1000 people in the county;

NOW, THEREFORE, IT IS ORDAINED BY THE PERSHING COUNTY BOARD OF COUNTY COMMISSIONERS that the following changes and additions be made to Chapter 5.16.060 of the Pershing County Code.

**5.16.060: LICENSE APPLICATION; CONSIDERATION BY COUNTY COMMISSIONERS; ASSEMBLY FEE:**

A. At the hearing on the application, the Board of County Commissioners may receive public comment, testimony, and other evidence relating to the proposed Assembly.

B. Based upon the testimony of the witnesses and evidence presented at the hearing, including the report of the Sheriff, County Engineer, and other county personnel, the Board of Commissioners shall: (1) Grant the application and set conditions in accordance with the provisions herein; or (2) Deny the application in accordance with the provisions as set forth herein.

C. Any grant or denial may not be based upon any impermissible justification, such as the content of the speech at the Assembly, race, or other impermissible consideration.

D. The Board shall set conditions necessary for the safety of the Assembly as set forth in PCC 5.16.080.

E. In addition to the conditions set forth in PCC 5.16.080, the Commissioners shall set a license fee as a condition of the license. The license fee will be set and based upon budgets submitted by the various county offices which will incur additional workload and costs from the Assembly. The Commissioners shall examine the proposed budgets and make any changes that are reasonable and necessary to ensure that the budgets cover the necessary expenses incurred as a result of the Assembly. The license fee shall be used to cover expenses related the provision of law enforcement services to the Assembly and shall be used to cover reasonable and necessary expenses incurred by other departments and offices within county government.

F. The County shall establish reasonable methods for using the license fee to reimburse the general fund or other funds for expenses and costs incurred as a result of the Assembly..

G. Notice of the decision to grant or deny the application shall be

issued within ten days of the hearing or during the hearing by the County Clerk.

F. The Clerk shall not issue a permit until: (1) The applicant furnishes or causes to be furnished to the clerk proof that all conditions have been met; and (2) The applicant pays or causes to be paid a license fee as set forth herein.

G. As used herein, "reasonable and necessary expenses incurred by other departments and offices within county government" includes, but is not limited to, the following:

1. Prosecution costs including, but are not limited to, the following costs relating to the Assembly: (1) Hiring additional staff; (2) Hourly costs for time spent on issues relating to the Assembly by existing staff; (3) Witness fees for cases arising out of the Assembly; (4) Transportation of witnesses costs for cases arising out of the Assembly; (5) Subpoena and summons costs for cases arising out of the Assembly; (6) Investigative costs for cases arising out of the Assembly; (7) Forensic fees for cases arising out of the Assembly; and (8) Other fees associated with prosecuting criminal cases arising out of the Assembly or associated with the Assembly;
2. Law enforcement costs including, but are not limited to, the following: (1) Hiring additional law enforcement personnel for the Assembly; (2) Purchasing equipment and other infrastructure for an Assembly for the Assembly; (3) Hiring additional staff to investigate matters prior to or after the assembly; (4) Overtime costs incurred as a result of the assembly; (5) Uniforms and other similar costs associated with the Assembly; (6) Costs associated with hiring additional personnel for the Assembly; (7) Hourly costs for time spent by existing staff attending meetings prior to and subsequent to the Assembly which are directly related to the Assembly; (8) Fuel, food, and other items that are purchased in preparing for, attending meetings, and providing services which are directly related to the Assembly; and (7) Such other costs that are reasonable and necessary to provide law enforcement services at the Assembly and to investigate and prosecute criminal cases arising out of the Assembly;
3. Court costs including, but are not limited to, the following: (1) Jury trial costs; (2) Costs for additional staff time spent on Assembly-related cases; and (3) Any additional costs that would not be incurred but for the Assembly;
4. Public defender costs including, but are not limited to, the following: (1) Staff time spent on the cases arising out of the Assembly; (2) Witness fees for cases arising out of the Assembly; (3) Transportation of witnesses costs for cases arising out of the Assembly; (4) Subpoena and summons costs for cases arising out of the Assembly; (5) Investigative costs for cases arising out of the Assembly; (6) Forensic fees for cases arising out of the Assembly; and (7) Other fees

- associated with prosecuting criminal cases arising out of the Assembly associated with the Assembly;
5. Administrative costs for administering the Assembly;
  6. Costs for review by County personnel; and
  7. Such other reasonable and necessary costs incurred as a direct result of the Assembly.

The board of commissioners may not waive the license fee in this section (Ord. 217, 2004; Ord. 208, 2004; Ord. 288, February 2012; Amended Ord. \_\_\_\_\_)

**REPEAL**

All ordinances or resolutions or parts thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

**SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance and the provisions of this ordinance are declared severable.

THIS ORDINANCE shall take effect on September 15, 2012, the Pershing County Commissioners are hereby authorized and directed to have this published by title together with the names of the Commissioners voting for or against its passage once a week for a period of two (2) weeks in the Lovelock Review Miner, a newspaper published in a general circulation in the County of Pershing, State of Nevada.

PROPOSED on the 18<sup>th</sup> day of July, 2012.

PROPOSED by Commissioner \_\_\_\_\_.

PASSED on the 15<sup>th</sup> day of August, 2012.

VOTE: Ayes:

Nays:

Absent:

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Pat Irwin, Chairperson  
BOARD OF PERSHING COUNTY  
COMMISSIONERS

ATTEST:

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Clerk